

Article - Health - General

[\[Previous\]](#)[\[Next\]](#)

§18–213.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Contagious disease or virus” means:
 - (i) Human immunodeficiency virus (HIV);
 - (ii) Meningococcal meningitis;
 - (iii) Tuberculosis;
 - (iv) Mononucleosis;
 - (v) Any form of viral hepatitis, including but not limited to hepatitis A, B, C, D, E, F, and G;
 - (vi) Diphtheria;
 - (vii) Plague;
 - (viii) Hemorrhagic fevers; or
 - (ix) Rabies.
- (3) “Correctional institution” means a place of detention or correctional confinement operated by or for the State or a local government.
- (4) (i) “Correctional officer” means a member of a correctional unit who is charged with and actually performs those duties that relate to the investigation, care, custody, control, or supervision of persons confined to places of incarceration.
- (ii) “Correctional officer” includes any sheriff, warden, superintendent, or any other person having an equivalent title.
- (5) “Law enforcement officer” means any person who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

- (i) The Department of State Police;
- (ii) The Baltimore City Police Department;
- (iii) The police department, bureau, or force of any county;
- (iv) The police department, bureau, or force of any incorporated city or town;
- (v) The office of the sheriff of any county;
- (vi) The police department, bureau, or force of any bicounty agency or constituent institution of the University System of Maryland, Morgan State University, St. Mary's College, or of any institution under the jurisdiction of the Maryland Higher Education Commission;
- (vii) The Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority Police Force, and the Maryland Port Administration police force of the Department of Transportation;
- (viii) The law enforcement officers of the Department of Natural Resources;
- (ix) The Field Enforcement Bureau of the Comptroller's Office;
- (x) The Crofton Police Department;
- (xi) The Intelligence and Investigative Division of the Department of Public Safety and Correctional Services; or
- (xii) The Ocean Pines Police Department.

(6) "Medical care facility" means a hospital as defined in § 19–301 of this article or a health care facility of a correctional institution.

(b) While treating or transporting an ill or injured patient to a medical care facility or while acting in the performance of duty, if a paid or volunteer fire fighter, emergency medical technician, or rescue squadman comes into contact with a patient who is subsequently diagnosed as having a contagious disease or virus, as a result of information obtained in conjunction with the services provided during the visit to the facility, the attending physician, medical examiner, a designee of the medical care facility who receives the patient, the Chief Medical Examiner, or the Chief Medical Examiner's designee shall notify the fire fighter, emergency medical technician, or

rescue squadman, and the employer or employer's designee of the individual's possible exposure to the contagious disease or virus.

(c) If, while treating or transporting an ill or injured patient to a medical care facility or while acting in the performance of duty, a law enforcement officer comes into contact with a patient who is subsequently diagnosed, as a result of information obtained in conjunction with the services provided during the visit to the facility, as having a contagious disease or virus, the attending physician, medical examiner, a designee of the medical care facility who receives the patient, the Chief Medical Examiner or the Chief Medical Examiner's designee shall notify the law enforcement officer and the officer's employer or employer's designee of the officer's possible exposure to the contagious disease or virus.

(d) If, while treating or transporting an ill or injured inmate to a medical care facility or while acting in the performance of duty, a correctional officer comes into contact with an inmate who is subsequently diagnosed, as a result of information obtained in conjunction with the services provided during the visit to the facility, as having a contagious disease or virus, the attending physician, medical examiner, a designee of the medical care facility that receives the inmate, the Chief Medical Examiner, or the Chief Medical Examiner's designee shall notify the correctional officer and the correctional officer's correctional institution or the correctional institution's designee of the officer's possible exposure to the contagious disease or virus.

(e) The notification required under subsection (b), (c), or (d) of this section shall:

(1) Be made within 48 hours, or sooner, of confirmation of the patient's diagnosis;

(2) Include subsequent written confirmation of possible exposure to the contagious disease or virus;

(3) Be conducted in a manner that will protect the confidentiality of the patient; and

(4) To the extent possible, be conducted in a manner that will protect the confidentiality of the fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer.

(f) The written confirmation required under subsection (e)(2) of this section shall constitute compliance with this section.

(g) Each medical care facility shall develop written procedures for the implementation of this section, and, upon request, make copies available to the local fire authority, the local fire authority's designee, the local law enforcement authority, the local law enforcement authority's designee, the correctional officer, or the correctional institution's designee having jurisdiction.

(h) A medical care facility, physician, Chief Medical Examiner, or the Chief Medical Examiner's designee acting in good faith to provide notification in accordance with this section may not be liable in any cause of action related to the breach of patient confidentiality.

(i) A medical care facility, physician, Chief Medical Examiner, or the Chief Medical Examiner's designee acting in good faith to provide notification in accordance with this section may not be liable in any cause of action for:

(1) The failure to give the required notice, if the fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer fails to properly initiate the notification procedures developed by the health care facility under subsection (g) of this section; or

(2) The failure of the employer or employer's designee to subsequently notify the fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer of the possible exposure to a contagious disease or virus.

(j) A fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer shall receive from their employers or local governmental bodies, at the expense of the employer or local governmental body, as part of their training, education on:

(1) (i) The routes of transmission of HIV and hepatitis B virus; and

(ii) The routes by which a fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer may be exposed to HIV and hepatitis B virus; and

(2) The current Centers for Disease Control and Prevention guidelines for preventing prehospital exposure to HIV and hepatitis B while rendering emergency medical care.

(k) A fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer shall receive from their employers, associations, or local governmental bodies, at the employers', associations', or local

governmental bodies' expense, equipment recommended by the Centers for Disease Control and Prevention to protect a fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer from exposure to HIV and hepatitis B while rendering emergency medical care.

(l) (1) The fire department, law enforcement agency, and all other agencies or organizations employing a fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer shall develop written procedures for the implementation of this section.

(2) On request, copies of the procedures developed in this subsection shall be made available to employees, employee unions, volunteer associations, and the Secretary.

(m) A person under this section may not refuse to treat or transport an individual because the individual is HIV positive.

[\[Previous\]](#)[\[Next\]](#)